

REMARKS

In response to the Examiner's comments regarding the format of the application, as set forth at pages 2-4 of the Office Action, Applicants have submitted herewith a substitute specification revising the text of the specification by inserting appropriate headings, and have otherwise revised the verbiage to correspond more closely to U.S. practice.

The objection to Claims 8 and 9, as set forth in paragraph 1 of the Office Action has been obviated by the cancellation of those claims.

Claims 1, 2, 11, 12 and 16 have been rejected under 35 USC §102(e) as anticipated by Tuttle (U.S. Patent No. 5,914,671), while Claims 3-10 and 13-20 have been rejected under 35 USC §103(a) as unpatentable over Tuttle in view of Tognazzini (U.S. Patent No. 5,708,478). However, for the reasons set forth hereinafter, Applicants respectfully submit that Claims 21-32, which remain of record in this application, distinguish over the cited references, whether considered separately or in combination.

By the foregoing amendment, Claims 1-20 have been cancelled (there being no Claim 21, as referred to in the Preliminary Amendment filed February 21, 2001), and new Claims 21-32 entered in their stead. Claim 21 corresponds to former Claim 1, and incorporates the limitations of Claims 2, 4, 5 and 6; while Claim 29 corresponds to former Claim 13, and includes limitations similar to those contained in Claims 2, 4, 5 and 6, referred to previously. Finally, new

Claim 32 also includes limitations comparable to those set forth in Claims 2, 4, 5 and 6.

The present invention is directed to a method for selectively displaying predetermined information (such as a message or an advertisement). According to the invention, an acoustically activated device, which may be obtained from a retailer is worn (for instance, as a badge), while the person wearing the badge is, for example, at a movie, or is listening to a radio or TV program. When the content of acoustically propagated information received by the device matches predetermined stored information, an activation device causes an output unit to output a visual or acoustic signal containing the predetermined message, such as an ad.

The Tuttle reference discloses a system in which portable transponders are provided to mobile individuals, such as airline passengers or airport workers. A monitoring system tracks the location of the transponders, and either simply uses this information for monitoring purposes, and/or provides information that is of use to an individual carrying a particular transponder, by displaying information on a display screen in the vicinity of the detected location of the transponder, or by providing an audible announcement over a loudspeaker in the same vicinity. In the embodiments of Figures 10 and 11, information relevant to the holder of the transponder may be provided to the transponder and displayed on a built-in display panel. However, in all embodiments in the Tuttle reference, communication between the system and the transponder is achieved by radio

frequency, and is customized to each transponder. Each transponder is individually known to and addressed by the system.

The Tuttle apparatus thus differs from the present invention, in which an acoustically propagated audio signal derived from a commercially broadcast source is compared with predetermined characteristics stored in the apparatus. When the acoustic signal matches the predetermined characteristics, the apparatus will react, for example by activating a display or audible device. The present invention is not a transponder, and does not enter into active communication with a monitored system. Rather, it merely acts in a predefined manner, in response to the receipt of a predefined acoustical signal which is embedded within a commercially broadcast radio or television signal. The latter features, which are included in each of the independent Claims 21, 29 and 32, is neither taught nor suggested by the Tuttle patent.

Tognazzini, on the other hand, provides a device which enables a user to store advertising information in order to be able to review that information at a later time. The system of Tognazzini includes decoders receiving an input broadcast communication signal (AM or FM radio, or television). The system acts directly on the electrical signals received, and detects coded information concerning advertisers who have paid for their information to be encoded in this manner. Upon selection of the user, such transmitted information may be displayed or printed at leisure. This arrangement thus clearly differs from the present invention, which provides a device that detects a predefined acoustic signal, and reacts in a predefined manner. The present invention does not

require decoding and storage of information included in broadcast signals. Rather, as noted previously, it provides a simple and effective manner of displaying message information in response to receipt of an acoustic signal derived, for example, from a commercially broadcast radio or television signal. Such a system is neither taught nor suggested by either Tognazzini or the combination of Tognazzini with Tuttle.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #3036/49686).

Respectfully submitted,



Gary R. Edwards
Registration No. 31,824

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
GRE:kms/038819